

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

BUTTE DIVISION

FILED
BILLINGS DIV.

2008 MAY 27 AM 10 09

PATRICK E. DUPONT, CLERK

BY

DEPUTY CLERK

DANNY CONRAD LACASSE, JR.,

CV-06-60-BU-RFC

Plaintiff,

vs.

THOMAS E. PALLACH,

Defendant.

**ORDER ADOPTING FINDINGS
AND RECOMMENDATIONS OF
U.S. MAGISTRATE JUDGE**

On May 1, 2008, United States Magistrate Judge Carolyn S. Ostby entered her Findings and Recommendation. Magistrate Judge Ostby recommends this Court grant Defendant's Motion for Summary Judgment.

Upon service of a magistrate judge's findings and recommendation, a party has 10 days to file written objections. 28 U.S.C. § 636(b)(1). In this matter, no party filed objections to the May 1, 2008 Findings and Recommendation.¹ Failure to object to a magistrate judge's findings and recommendation waives all objections to the findings of fact. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1999). However, failure to object does not relieve this Court of its burden to review de novo the magistrate judge's conclusions of law. *Barilla v. Ervin*, 886 F.2d 1514, 1518 (9th Cir. 1989).

After an extensive review of the record and applicable law, this Court finds Magistrate

¹Plaintiff's copy of the Findings and Recommendation was mailed to Plaintiff on May 1, 2008, and returned to the Courts as undeliverable.


Judge Ostby's Findings and Recommendation are well grounded in law and fact and adopts them in their entirety.

Based upon the undisputed testimony presented by Defendant, Plaintiff's allegations fail on the merits. Plaintiff's only allegation against Defendant Pallach is that he, as a policy maker, refused to recognize Plaintiff's bond and held him illegally. First, it is undisputed that Defendant Pallach is a deputy sheriff who had no authority to determine when inmates are released and no authority to institute a policy regarding the posting of bond by inmates. Additionally, Defendant Pallach has testified that he had no conversation with Plaintiff regarding bail. This testimony was undisputed by Plaintiff and the Court finds that Defendant Pallach has no liability in this matter.

Furthermore, Plaintiff was not held in excess of 30 days on the fugitive warrant and commitment. Plaintiff was in custody on Montana charges between August 16, 2005, and August 24, 2005. The 30-day time period began to run on August 24, 2005, when the Court issued the fugitive warrant. Plaintiff was not illegally held.

Accordingly, **IT IS HEREBY ORDERED** Defendant's Motion for Summary Judgment [*doc. #21*] is **GRANTED** and Plaintiff's Complaint is **DISMISSED**. The Clerk of Court shall enter Judgment in favor of Defendant Pallach and close this case accordingly.

DATED the 27th day of May, 2008


RICHARD F. CEBULL
UNITED STATES DISTRICT JUDGE